REMARKS/ARGUMENTS

Claims 2, 4, 6 and 8 are pending in this application. By this Amendment, Applicants AMEND claim 2 and CANCEL claims 1, 3, 5, 7 and 9-12.

The Examiner has alleged that the Information Disclosure Statement, filed on July 2, 2003, fails to comply with 37 C.F.R. §§ 1.97 and 1.98 and MPEP § 609 because no English translation was provided of the German references, DE 695 10 850 T2, DE 39 43 805 C2, and DE 196 53 577 A1. Applicants submit an Information Disclosure Statement herewith to cure these deficiencies noted by the Examiner. Accordingly, Applicants respectfully request that the Examiner consider and include an initialed copy of Form PTO-1449 with the next Office Action.

Claims 1-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ebara et al. (US 5,922,954). Applicants have canceled claims 1, 3, 5, 7 and 9-12. Applicants respectfully traverse the rejection of claims 2, 4, 6 and 8.

Claim 2 has been amended to recite:

> "A temperature-drift adjusting method for a vibrating gyroscope which comprises a vibrator having first and second detecting terminals for extracting electric charge that is generated due to a Coriolis force; an oscillation circuit for vibrating said vibrator; **first and second variable load impedances** connected respectively to the first and second detecting terminals of said vibrator for converting the electric charge extracted by the first and second electrodes into respective voltages; and a signal processing circuit for processing signal outputs from the first and second detecting terminals of said vibrator and for outputting a signal corresponding to a rotation angular velocity, said method comprising:
>
> adjusting the impedance value of at least one of the first and second variable load impedances in accordance with a temperature drift gradient indicating a change in a voltage output from said signal processing circuit in response to a change in temperature to minimize the temperature drift gradient; wherein
>
> each of the first and second variable load impedances includes a variable resistor;
>
> **a resistance of the variable resistor of the first variable load impedance is greater than a resistance of the variable resistor of the second load impedance when an impedance of the first detecting**

terminal is greater than an impedance of the second detecting terminal; and

a resistance of the variable resistor of the first variable load impedance is less than a resistance of the variable resistor of the second load impedance when an impedance of the first detecting terminal is less than an impedance of the second detecting terminal." (emphasis added)

Applicants' claim 2 recites the features of "first and second variable load impedances," "a resistance of the variable resistor of the first variable load impedance is greater than a resistance of the variable resistor of the second load impedance when an impedance of the first detecting terminal is greater than an impedance of the second detecting terminal," and "a resistance of the variable resistor of the first variable load impedance is less than a resistance of the variable resistor of the second load impedance when an impedance of the first detecting terminal is less than an impedance of the second detecting terminal." With the improved features of claim 2, Applicants have been able to provide a vibrating gyroscope having a simple circuit configuration and a small temperature drift at a low cost (see, for example, the first paragraph on page 5 of the originally filed Specification).

First, Applicants agree with the Examiner that Ebara et al. fails to teach or suggest the feature of first and second variable load impedances as recited in Applicants' claim 2.

The Examiner has alleged in paragraph no. 3 on page 3 of the outstanding Office Action that "it would have been very clearly obvious to one of ordinary skill in the art at the time of applicant's invention to use notoriously well known and commercially available variable resistor to adjust the resistance, as is commonly used to trim a circuit."

The Examiner is reminded that prior art rejections must be based on evidence. Graham v. John Deere Co., 383 U.S. 117 (1966). The Examiner is hereby requested to cite a reference in support of his position that it was well known at the time of

Applicants' invention to replace resistors that are set to specific values (12 Ω, 15 Ω, or 18 Ω) with a variable resistor. If the rejection is based on facts within the personal knowledge of the Examiner, the data should be supported as specifically as possible and the rejection must be supported by an affidavit from the Examiner, which would be subject to contradiction or explanation by affidavit of Applicants or other persons. See 37 C.F.R. § 1.104(d)(2).

Instead of basing the prior art rejection over Ebara et al. on evidence, the Examiner has merely concluded that it would have been obvious to variable resistors in Ebara et al. without providing any reference which teaches or suggests that variable resistors could or should be used in the method of Ebara et al. Accordingly, Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness in the prior art rejection over Ebara et al.

Second, Applicants have amended claim 2 to recite the features of "a resistance of the variable resistor of the first variable load impedance is greater than a resistance of the variable resistor of the second load impedance when an impedance of the first detecting terminal is greater than an impedance of the second detecting terminal" and "a resistance of the variable resistor of the first variable load impedance is less than a resistance of the variable resistor of the second load impedance when an impedance of the first detecting terminal is less than an impedance of the second detecting terminal" which were recited in Applicants' claims 9 and 10.

The Examiner has alleged in paragraph no. 3 of the outstanding Office Action claims 9 and 10 "are inherently [taught] in the circuit of Ebara et al." Applicants respectfully disagree.

The second paragraph of column 5 of Ebara et al. states, "When the impedances of the resistors **18a** and **18b** are set to smaller-or larger than those of piezoelectric elements **16a** and **16b** in a matching condition, the response of the vibration gyroscope **10** is improved." That is, Ebara et al. teaches that both of the resistors **18a** and **18b** have an impedance that is same value and that is either higher or lower than the

impedance of the piezoelectric elements **16a** and **16b**. Thus, Ebara et al. fails to teach or suggest either the feature of "**a resistance of the variable resistor of the first variable load impedance is greater than a resistance of the variable resistor of the second load impedance** when an impedance of the first detecting terminal is greater than an impedance of the second detecting terminal" (emphasis added) or "**a resistance of the variable resistor of the first variable load impedance is less than a resistance of the variable resistor of the second load impedance** when an impedance of the first detecting terminal is less than an impedance of the second detecting terminal" (emphasis added) as recited in Applicants' claim 2.

Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 2 under 35 U.S.C. § 102(a) as being anticipated by Ebara et al.

Accordingly, Applicants respectfully submit that none of the prior art of record, applied alone or in combination, fail to teach or suggest the unique combination and arrangement of elements and method steps recited in claim 2 of the present application. Claims 3, 4, 6 and 8 depend upon claim 2 and are therefore allowable for at least the reasons that claim 2 is allowable.

In view of the foregoing amendments and remarks, Applicants respectfully submit that this application is in condition for allowance. Favorable consideration and prompt allowance are solicited.

To the extent necessary, Applicants petition the Commissioner for a ONE-month extension of time, extending to February 21, 2004, the period for response to the Office Action dated October 21, 2003.

The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1353.

Respectfully submitted,

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